



ZONING BOARD OF APPEALS APPLICATION PROCESS

Petitioners who are not the legal owners of the subject property must provide the Board with proof of legal interest in the property, i.e., agent, leaseholder, pending purchase, etc.

It is the responsibility of the Petitioner to submit additional copies of the Petition form and plans to other appropriate Town Boards, Commissions, and Departments as required by the Zoning By-Laws. These plans should be submitted at the same time the Petition form is filed with the Town Clerk.

1. **Plan Submittal:** The application will require (3) copies of the building plans and (3) copies of the Site Plan. The following information on the **PLAN – TO SCALE** is required:
 - a. The plan shall be made on either an 8 ½ x11 or 11x17 sheet
 - b. The SCALE shall be 1" = 40' for Engineer plans and ¼" = 1' for Architectural plans. The scale used shall be clearly shown on the plan
 - c. The Site Plan is to have a North Arrow
 - d. Plan shall clearly list all lot line measurements; the setbacks from the lot lines; the size of the lot and the current lot coverage
 - e. All Flood Zones are to be clearly identified on the plan
 - f. The Site Plan, shall also have a Legend/Informational Box listing: Current Zoning, lot size, frontage and lot coverage
 - g. The name of all surrounding street(s)/roads
 - h. ALL structures on the property clearly shown and labeled; including pools, sheds, etc.
 - i. The structure(s)- existing/proposed structure(s) on the plan with their dimensions and the setbacks from the property lines clearly shown
 - j. All Parking spaces and or driveway
 - k. Plans shall clearly label what exists and what is proposed
 - l. Location of septic system, wells, drainage, utilities, paved surfaces, wetlands, water bodies or watercourse with proper identification
 - m. If relevant, an interior floor plan with ALL rooms clearly labeled
 - n. **COMMERCIAL:** Zoning and current uses of the site and adjacent properties and photos of the existing structures and those of adjacent abutters with non-conforming structures
2. **Application Form:** Fill out the appropriate application form and return it to the secretary of the Zoning Board of Appeals (ZBA). The three (3) copies are to be filed and date-stamped by the Town Clerk. One copy is filed with the Town Clerk and two for the ZBA Office.
3. **FILING FEES:** Each Petition must be accompanied by a filing fee payable by check to the Town of Mashpee.

Filing Fee: \$125 for Residential Petitions (per Petition)
 \$250 for Commercial Petitions

911 COORDINATOR/TAX COLLECTOR:

Each Petition must include the worksheet with GIS/E911 Coordinator signature verifying correct address of the subject property along with confirmation from the Town Collector/Treasurer's office that all taxes have been paid on the subject property.

REGISTRY OF DEEDS REQUIREMENTS:

In order to conform to Barnstable County Registry of Deeds and/or Land Court registration requirements, each Petition must include the following:

Current property owner.
Property address.
Registry of Deeds Title Reference with Book and Page; **or**
Certificate of Title Number and Land Court Lot Number and Plan Number.
Copy of Deed.

ABUTTERS' LISTS:

Massachusetts General Laws Chapter 40A § 11 requires that abutters and abutters to the abutters within 300 feet of the property line be notified by mail of the Public Hearing on all Petitions. **The ZBA office is responsible for preparation of the Mashpee abutters' list.** The Assessor's office will certify the list and the Mashpee Zoning Board of Appeals will process the mailing. A charge of \$2.00 per abutter name will be billed to the Petitioner for postage, supplies, and processing costs. Petitioners are advised to review their proposed plans with their immediate neighbors prior to the Public Hearing. If abutters are located in adjoining Towns, it is the responsibility of the Petitioner to obtain a certified list of those abutters. **Payment, for the list, must be submitted 15 days prior to the hearing date or the hearing shall be rescheduled.**

PUBLIC HEARINGS:

A Public Hearing will be scheduled within 65 days from the date that the Petition form is filed with the Town Clerk. The Zoning Board of Appeals normally meets on the second and fourth Wednesdays of each month at 6:00 p.m. at the Mashpee Town Hall. The Petitioner or his Agent must be present at the hearing.

NOTICE FOR PUBLIC HEARINGS:

Notice of a Public Hearing shall be given by publication in the Mashpee Enterprise newspaper once in each of two successive weeks; the first publication to be not less than fourteen (14) business days before the day of the hearing and posting of such notice in a conspicuous place in Town Hall for a period of not less than fourteen (14) business days before the day of such hearing.

ZONING BY-LAWS:

Copies of the By-laws may be purchased for \$25 in the Town Clerk's office.

DECISIONS:

Decisions of the Zoning Board of Appeals will be filed with the Town Clerk within fourteen (14) days of the Board's final vote on a Petition. A copy of favorable Decisions, certified by the Town Clerk that there has been no appeal twenty (20) days after the Decision was filed, must be recorded at the Barnstable County Registry of Deeds before a Building Permit will be issued. It is the responsibility of the Petitioner to record a certified copy of the Decision at the Barnstable County Registry of Deeds. Proof of the recording must be submitted to the Zoning Board of Appeals and the Building Department before the Petitioner can apply for a Building Permit.

ZONING ENFORCEMENT OFFICER:

The Building Commissioner is the Zoning Enforcement Officer for the Town of Mashpee. Petitioners should consult with the Building Commissioner prior to filing a ZBA Petition.

APPEAL OF THE DECISION OF THE BUILDING COMMISSIONER:

An Appeal of the Decision of the Building Commissioner must be filed with the Town Clerk within thirty (30) days from the date of the Decision or order being appealed. The reasons and grounds for the Appeal should be specified in the Notice of Appeal. The Town Clerk shall transmit such Notice of Appeal to the Zoning Board of Appeals so that a hearing can be scheduled. The Petition must be filed on a Notice of Appeal form available in the Building Department or the office of the Zoning Board of Appeals.

MASSACHUSETTS GENERAL LAWS CHAPTER 44 SECTION 53G:

The Mashpee Zoning Board of Appeals has adopted the provisions of Chapter 593 of the Acts of 1989 relative to the Establishment of Special Accounts for consultant fees.

DESIGN REVIEW COMMITTEE:

A Design Review Committee was established under § 174-48 of the Zoning By-laws to advise the Building Commissioner, Planning Board and Zoning Board of Appeals on matters of architectural and design concern in the review of Petitions for Special Permits, Sign Permits, and Landscaping on commercial property. Meetings are scheduled by the Building Department.

PLAN REVIEW COMMITTEE:

A Plan Review Committee was established under §174-48.1 to perform the functions described in § 174-24 to otherwise advise the Building Commissioner, Board of Selectmen, Planning Board and Zoning Board of Appeals on matters related to the areas of expertise of its members, and to provide informal advice and review to prospective Petitioners for permits. Meetings are scheduled by the Building Department. After the Committee's Decision or recommendation letter is compiled, a copy shall be provided to the Petitioner and, if appropriate to the Special Permit Granting Authority, and recorded with the Town Clerk.

Rev. 4/04/16



**ZONING BOARD OF APPEALS
PETITIONER CHECKLIST**

The ZBA office will be unable to process your Petition(s) until all of the proper documents have been completed and submitted. The completed checklist (below) along with Board of Health and Conservation Commission signatures are required prior to filing your Petition(s) with the Town Clerk.

- ☐ Three (3) copies of completed Petition(s) filed with Town Clerk:
One (1) copy for Town Clerk.
Two (2) copies for the ZBA office.
- ☐ Filing Fee: \$125 for Residential Petitions. \$250 for Commercial Petitions.
- ☐ Three (3) sets of engineered site plans.
- ☐ Address/Tax Collector worksheet.
- ☐ Copy of Deed with Registry of Deeds Title Reference and/or Certificate of Title, Land Court, Plan Numbers.

Project Address: _____

Cite appropriate By-Law(s) _____

Is the property located within a **cluster subdivision**? ☐ YES ☐ NO

Is property located within a Special Permit area/Overlay District? ☐ YES ☐ NO

If YES, name of area/district _____

Bldg. Commissioner: _____
Signature Date

Board of Health: _____
Signature Date

Conservation Commission jurisdiction: ☐ YES ☐ NO

Conservation Agent's _____
Signature Date

TOWN OF MASHPEE BY-LAWS §112-1. Authority to Deny or Revoke; Cause: Any board, officer, committee or department may deny any application for or revoke or suspend any local license or permit, including renewals and transfers, for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees assessments, betterments or any other municipal charges, or with respect to any activity, event or other matter which is subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about any real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. History: Amended 10-6-1997, ATM, Article 24, approved by Attorney General 3-9-1998.



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

PLEASE SUBMIT FORM WITH ZBA PETITION AFTER OBTAINING TAX COLLECTOR AND 911 COORDINATOR SIGNATURES

Date: _____

Property address: _____

Assessor's Map # _____ Parcel # _____

I have reviewed the address. _____
GIS and E911 Coordinator Signature **Date**

I hereby attest that _____
OWNER OF RECORD
is (are) the owner(s) of the above-referenced property.

I hereby further attest that the owner of the above-cited property is not, to the best of my knowledge, in arrears of payment of any local taxes as may be applicable under Section 1 of Chapter 112 of the Mashpee Code.

Treasurer/Collector

Date



PETITION FOR SPECIAL PERMIT

Per MGL Chapter 40A §9 and Town of Mashpee Zoning By Laws of 1987

Date _____

Zoning District _____

Print

Property Address _____

Map _____ Parcel _____

Petitioner _____ Phone _____

Email _____

Applying for (Check appropriate box(s)):

- ☐ Accessory Apartment ☐ Commercial ☐ Sign ☐ Bed and Breakfast ☐ Private NonProfit
☐ Hospital/Nursing Home ☐ Outdoor Recreation ☐ Indoor Recreation ☐ Docks
☐ Lumberyards/Landscaping ☐ Automotive Repair ☐ Drive In ☐ Wireless Services ☐ Medical
Uses ☐ Kennel ☐ Retail Sales ☐ Eating Establishment ☐ Other

BRIEF DESCRIPTION _____

Owner's Signature or letter _____

Petitioner's Signature _____

Mail certified copy of Decision to: _____

Scheduled Date _____

**TOWN CLERK
DATE STAMP**